

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Shanna Floyd,

Plaintiff

v.

Parole and Probation, et al.,

Defendants

2:14-cv-01882-JAD-CWH

**Order Denying Second  
Motion for Default Judgment**

[ECF No. 14]

Plaintiff Shanna Floyd brings this § 1983 action for events she claims occurred while she was a pretrial detainee at the Nevada Southern Detention Center. Magistrate Judge Hoffman screened and dismissed Floyd's original claims and gave her leave to file an amended complaint.<sup>1</sup> Floyd filed an amended complaint,<sup>2</sup> but it has not been screened, and she has not yet been directed to serve it.

On June 3, 2016, Floyd filed a motion seeking a default judgment against the defendants under Federal Rule 55(b) because they have not answered.<sup>3</sup> I denied the motion because it was premature.<sup>4</sup> Before the court can consider entering a default *judgment* under FRCP 55(b), the plaintiff must secure the entry of the defendant's *default* under Rule 55(a). Not only has that not yet occurred, it cannot yet occur because the defendants have not yet been served with process. Indeed, the magistrate judge expressly stated in his initial screening order that "The [c]ourt will not order service at this time."<sup>5</sup> So, service may be ordered after Floyd's amended complaint has been screened, but it has not even been authorized in this case yet. A second motion for default judgment based on the same argument hit the docket on June 6, 2016, after my order issued but before Floyd

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<sup>1</sup> ECF Nos. 2, 8.

<sup>2</sup> ECF No. 9.

<sup>3</sup> ECF No. 12.

<sup>4</sup> ECF No. 13.

<sup>5</sup> ECF No. 2 at 6.

1 received it.<sup>6</sup> Floyd's second motion for default judgment is denied for the very same reason I denied  
2 the first one: it is fatally premature.

3 **Conclusion**

4 Accordingly, IT IS HEREBY ORDERED that Floyd's motion for default judgment [ECF  
5 No. 14] is **DENIED**. Floyd is cautioned that no further motions for default *judgment* will be  
6 entertained until after she has first secured the entry of the defendants' default.

7 Dated this 8th day of June, 2016.

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9 Jennifer A. Dorsey  
United States District Judge

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<sup>6</sup> ECF No. 14. This motion is erroneously titled "*Defendants* Motion for Default Judgement Pursuant to F.R.C.P. Rule 55(b)(2)."